

## LAWS70403 Statehood in International Law

<b>Credit Points:</b>	12.5
<b>Level:</b>	7 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	<p>The State has come to assume a profoundly ambivalent form in the contemporary world. While it remains the centrepiece of international legal thought and practice, it is regarded both as a vehicle for authoritarian rule and increasingly as a marginal political form in the context of a globalised and economically inter-dependent world. Despite these tendencies, the State remains the primary mode of 'emancipation' for communities around the world (for whom 'self-determination' and 'statehood' stand as the supreme objects of political action). In this subject, various legal dimensions of this apparent paradox will be explored. An analysis of traditional doctrines of statehood, recognition and self-determination, will be accompanied by an examination of the stakes of independence:</p> <ul style="list-style-type: none"> <li># What are the distributional consequences of self-determination?</li> <li># What conditions impinge upon the process and form of independence?</li> <li># How does the architecture of sovereignty serve to enhance or hold back broader developmental agendas (the combating of malnutrition, poverty, homelessness, illiteracy etc)?</li> <li># What place does 'Empire' have in this account?</li> </ul>

	<p>In the subject of discussion, attention will be given to various case studies, such as Southern Sudan, Kosovo, Palestine and Somalia.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> <li># States and statehood: A historical excursus</li> <li># Doctrinal forms: Statehood; recognition; self-determination</li> <li># The critics of statism: Anti-authoritarianism, globalisation, nationalism and post-colonial radicalism</li> <li># Emancipatory statism: Self-determination, decolonisation and anti-imperialism</li> <li># The stakes of statehood: autonomy, succession and the political economy of emancipation</li> <li># Failed states, post-colonial and developmental states</li> <li># Statehood and the 'developmental agendas'</li> <li># Case studies: Southern Sudan, Kosovo, Palestine and Somalia.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> <li># Have a thorough understanding of the historical and contemporary legal debates surrounding the question of statehood and sovereignty.</li> <li># Show knowledge of, and be able to critically engage with, the relevant legal doctrine on questions such as statehood, recognition, self-determination and succession.</li> <li># Be able to deploy such legal analysis in relation to particular case studies.</li> <li># Show awareness of the various economic, political, social and cultural dimensions of such analysis.</li> </ul>
<b>Assessment:</b>	10,000 word research paper (100%) on a topic approved by the subject coordinator
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS70403/2014">www.law.unimelb.edu.au/subject/LAWS70403/2014</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.
<b>Related Course(s):</b>	<p>Graduate Diploma in Human Rights Law</p> <p>Graduate Diploma in International Law</p> <p>Graduate Diploma in Legal Studies</p> <p>Master of Human Rights Law</p> <p>Master of Law and Development</p> <p>Master of Laws</p> <p>Master of Public and International Law</p>